

Examiner's Report 2026

FC3 – International Patent Law

Introduction

This year's question paper followed the established format, comprising a mix of knowledge-based and scenario-based questions. The overall pass rate was 100%, with particularly strong performance in Section B, indicating that candidates were generally well prepared across both types of question.

As in previous years, some accessible marks could not be awarded because candidates' responses were vague or "hedging" or they made errors in deadline calculations.

The highest-scoring candidates came to a reasoned conclusion based on the facts presented.

Candidates are also reminded to pay close attention to the marks allocated to each question or part-question. In some instances, overly long answers were provided to short questions, which was unnecessary and may have limited the time available to gain marks elsewhere.

The mean marks for all questions can be found below the feedback on individual questions.

Questions

Part A

Question number	Comments on questions
Question 1	This question related to various formal requirements for filing a PCT application. Overall, this question was very well answered.
Question 2	This question tested candidates' knowledge of grace periods in China, Japan and Singapore. The majority of candidates answered this question well.
Question 3	This question related to post-grant procedures in Japan, Germany and the US, and answers were generally strong.
Question 4	This question examined appeal rights following opposition proceedings. Part (a) was well handled. In part (b), however, a notable number of candidates were unaware of the deadline for filing the statement of grounds of appeal.
Question 5	This question required consideration of strategies for reducing claim fees for a European patent application. Many candidates correctly identified the advantage of retaining deleted claims in order to preserve the option of filing a future divisional application. Some candidates, however, appeared to misinterpret the question as relating to a pending European patent application.

Examiner's Report 2026

FC3 – International Patent Law

Question 6	This was a straightforward question on deadlines for requesting examination in various national phase jurisdictions and was generally answered well.
-------------------	--

Part B

Question number	Comments on question
Question 7	Part (a) required an assessment of renewal fee status for European and US patent applications. While many candidates correctly identified the relevant original and extended deadlines, some responses lacked clear conclusions on the availability of remedial actions. Part (b), concerning validation of a European patent in Spain and the requirements for obtaining a Unitary patent, was generally well answered.
Question 8	Parts (a)–(c) addressed procedural issues in various national phase applications. A number of candidates appeared unfamiliar with the Canadian reinstatement procedure. Part (d), relating to German utility models, is a frequently-examined topic and was handled well.
Question 9	Part (a) tested knowledge of the consequences of filing a PCT application at a non-competent receiving office. This section of the syllabus has been less frequently examined, and some candidates appeared poorly prepared. Part (b) required candidates to consider how protection might be obtained where an application initially lacked novelty. Encouragingly, many were able to devise strategies to restore priority entitlement. Part (c), on excluded subject matter in different jurisdictions, was generally answered to a good standard.
Question 10	This question was attempted by all candidates and they achieved a significantly higher mean score than for other Section B questions. The sub-questions covered restrictions on overseas filings by UK residents, international grace periods, utility models, and US entity status for fee reductions. These topics are regularly examined, and candidates demonstrated a strong ability to apply their knowledge to the facts presented.

Examiner's Report 2026
FC3 – International Patent Law

Mean Marks by Question

FC3	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total
Marks available	11	4	3	8	9	5	20	20	20	20	100
Mean mark	10.0	3.0	2.7	6.5	6.9	3.3	11.0	12.0	10.5	16.7	71.3